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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Hal Joseph Burch
William R Cheswick

CASE 2-9

Serial No. 09/901286

Group Art Unit 2136

Filed July 9, 2001

Examiner B. S. Hoffman

Title Method And Apparatus For Tracing Packets In A Communications Network

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

RESPONSE TO OFFICE ACTION AND REQUEST FOR RECONSIDERATION

Enclosed is a **Response to Office Action and Request for Reconsideration** in the above-identified application.

NO ADDITIONAL FEE REQUIRED

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 12-2325** as required to correct the error.

Respectfully,

Kenneth M. Brown, Attorney
Reg. No. 37590
908-582-5998.

Date: 10/5/06

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

Date of Deposit October 5, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated above.

Catherine F. Dugan
Printed name of person mailing paper

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Inventor(s) Hal Joseph Burch
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RESPONSE TO OFFICE ACTION AND REQUEST FOR RECONSIDERATION

In connection with the above-referenced patent application, and in response to the Office Action dated July 14, 2006 in connection therewith, Applicants hereby traverse all outstanding rejections and respectfully request reconsideration of the instant application.

In the instant application, claims 1-30 are pending. In the instant Office Action, claims 1-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,032,020 issued on April 18, 2006 to G. W. Gross (hereinafter "*Gross*") in view of U.S. Patent No. 6,873,600 issued on March 29, 2005 to N. G. Duffield *et al.* (hereinafter "*Duffield et al.*").

By way of this submission, Applicants point out that a Declaration under 37 C.F.R. 1.131 (hereinafter "the Declaration"), executed by both inventors of the instant application, had been previously filed in connection with the prosecution of this application. In particular, the Declaration includes as an exhibit thereto a copy of a published paper entitled "Tracing Anonymous Packets to Their Approximate Source" (hereinafter "the Paper") by Hal Burch and Bill Cheswick (the inventors


of the instant application), which paper was published on or before December 8, 2000 in Proceedings of the 14th Systems Administration Conference (LISA 2000), New Orleans, Louisiana, USA, December 3-8, 2000, USENIX Association. (Note that the Paper may be located on the USENIX web site, www.usenix.org, and more specifically, may be obtained from said web site at: <http://www.usenix.org/publications/library/proceedings/lisa2000/burch.html>.) In particular, the Declaration states that the instant invention was conceived and reduced to practice prior to December 22, 2000, and that the publication of the Paper on or before December 8, 2000 evidences these facts. A duplicate copy of the Declaration, along with the exhibit thereto, is included as an attachment hereto for the convenience of the Examiner.

Specifically, therefore, Applicants note that the publication date of the Paper clearly precedes the effective date of the *Gross* reference. As such, Applicants respectfully submit that this reference has been antedated by the Declaration and is thus no longer admissible prior art to the instant invention. Moreover, Applicants submit that the *Duffield et al.* reference alone does not anticipate nor by itself render obvious any of the instant claims, given the required removal of the *Gross* reference. Thus, Applicants hereby traverse all of the outstanding rejections of the instant claims, submitting that a *prima facie* case of unpatentability has not, in fact, been made by the Examiner, and Applicants further respectfully submit that the instant application is in condition for allowance.

Reconsideration of this application is respectfully requested in light of this submission. The Examiner is invited to telephone Applicant's attorney, Kenneth M. Brown, at (908) 582 - 5998, should there be any questions or issues for discussion in the reconsideration of the pending application.

Respectfully,

Hal Joseph Burch
William R Cheswick

By 
Kenneth M. Brown, Attorney
Reg. No. 37590
908 - 582 - 5998

Lucent Technologies Inc.

Date: 10/4/06